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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,295	06/13/2001	Charles Michael Pickett	8371-138	6771
20575	7590	04/04/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 1030 SW MORRISON STREET PORTLAND, OR 97205			KE, PENG	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/881,295	PICKETT, CHARLES MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peng Ke	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This communication is responsive to the amendment filed 11/16/04.

Claims 1 – 15 are pending in this application. Claims 1, 7 and 12 are independent claims.

In the amendment claims 1, 7 and 12 were amended.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

Claims 1, 4, 6, 7, 9, 11, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al., U.S. Patent No. 5,923,326 in view of Tilt, U.S. Patent No. 5,363,481.

As per claim 1, Bittinger teaches a method of presenting a user interface, the method comprising:

providing a proxy user interface for a secondary application activated by a user input specifying task to (see Bittinger, column 4, lines 45-column 5, lines 8; It is inherent that a browser/task may be activated by selecting the browser/task icon through Start menu) , the proxy user interface being displayed during a period of time when a user is interacting with a primary application through a primary user interface (see Bittinger, column 2, lines 45 – 56); and

displaying predetermined settings for the task on the user interface (see Bittinger, column 2, lines 56 – 63, column 5, lines 65-column 6, lines 39; Examiner interprets

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displays of controls and indicia for the browser window to be displaying predetermined settings for the task on the primary browser window ).

Bittinger does not teach the proxy user interface activated by a user input and performing a task specified by the user input after elapse of a predetermined time period using the predetermined settings, if no input through the proxy interface is received.

Tilt teaches providing an interface activated by a user input and performing a task specified by the user input after elapse of a predetermined time period using the predetermined settings, (see Tilt, column 1, lines 40 -column 2 lines 65; Examiner interprets the user's selection of time and initial selection or opening of a menu to be a task specified by the user input) if no input through the proxy interface is received (see Tilt, column 1, lines 40 – 51; the examiner interprets selecting the last highlighted parameter as performing the task).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Tilt with the method of Bittinger in order to speed up selection time for an expert user of a system.

As per claim 4, which is dependent on claim 1, Bittinger and Tilt teach the method of claim 1 (see rejection above). Bittinger further teaches the method of claim 1, wherein the proxy user interface is arranged on the periphery of the primary user interface (see Bittinger, figure 4A, items 30 and 50).

As per claim 6, which is dependent on claim 1, Bittinger and Tilt teach the method of claim 1 (see rejection above). Bittinger further teaches the method of claim 1, wherein the predetermined settings displayed are the current settings for the application (see Bittinger, column 6, lines 21 – 30).

As per claim 7, Bittinger teaches a graphical user interface, comprising:

A primary application interface to allow a user input specifying a task to be performed; (see Bittinger, column 2, lines 45-69; Examiner interprets web browsing to be a specific task)

an identifier identifying a secondary application for which the user interface is used (see Bittinger, column 2, lines 45 – 51; it is inherent that an identifier identifying a secondary program must be used in order to associate the secondary window to the secondary application program) wherein the secondary application is associated with the task to be performed (see Bittinger, column 2, lines 56 – 63, column 5, lines 65- column 6, lines 39; Examiner interprets displays of controls and indicia for the browser window to be displaying predetermined settings for the task on the primary browser window ); and

a settings display, wherein the setting displayed are predetermined settings for the application (see Bittinger, column 6, lines 12 – 16).

Bittinger does not teach a timeout timer operable to close the graphical user interface upon expiration of the timer. Tilt teaches a timeout timer operable to close the graphical user interface upon expiration of the timer (see Tilt, column 2, lines 27 – 31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Tilt with the method of Bittinger in order to speed up selection time for an expert user of a system.

As per claim 9, which is dependent on claim 7, Bittinger and Tilt teach the graphical user interface of claim 7 (see rejection above). Bittinger does not teach the graphical user interface of claim 7, wherein the timer is hidden.

Tilt teaches the graphical user interface of claim 7, wherein the timer is hidden (see Tilt, column 2, lines 21 - 33; it is inherent that the time is hidden because it is a signal from the operating system).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Tilt with the method of Bittinger in order to provide a less cluttered interface.

As per claim 11, it is of similar scope to claim 6 and is rejected under the same rationale as claim 6 (see rejection above).

As per claim 12, it is of similar scope to claim 1 and is rejected under the same rationale as claim 1 (see rejection above).

As per claim 15, it is of similar scope to claim 4 and is rejected under the same rationale as claim 4 (see rejection above).

Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al., U.S. Patent No. 5,923,326 in view of Tilt, U.S. Patent No. 5,363,481 further in view of Stucka et al., U.S. Patent No. 5,596,702.

As per claim 2, which is dependent on claim 1, Bittinger and Tilt teach the method of claim 1 (see rejection above). Bittinger further teaches the method of claim 1, wherein the method further comprises receiving an input through the proxy interface and performing a task for the secondary application (see Bittinger, column 6, lines 12 – 16).

Bittinger and Tilt do not teach the method of claim 1, wherein the method further comprises receiving an input through the proxy interface and presenting a user interface for the secondary application. Stucka teaches a method comprising receiving an input through a proxy interface and presenting a secondary user interface for the secondary application (see Stucka, column 10, lines 30 – 36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Stucka with the method of Bittinger and Tilt in order to provide a graphical user interface element on demand as a result of a user action.

As per claim 13, which is dependent on claim 12, it is of similar scope to claim 2 and is rejected under the same rationale as claim 2 (see rejection above).

Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al., U.S. Patent No. 5,923,326 in view of Tilt, U.S. Patent No. 5,363,481 further in view of

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Frank et al., U.S. Patent No. 5,651,107.

As per claim 3, which is dependent on claim 1, Bittinger and Tilt teach the method of claim 1 (see rejection above). Bittinger and Tilt do not teach the method of claim 1, wherein the proxy user interface is provided as a transparent overlay.

Frank et al. ("Frank") teaches a method wherein the user interface is provided as a transparent overlay (see Frank, column 2, lines 46 – 55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Frank with the method of Bittinger and Tilt in order to increase the amount of information presented in a window based system.

As per claim 14, it is of similar scope to claim 3 and is rejected under the same rationale as claim 3 (see rejection above).

Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al., U.S. Patent No. 5,923,326 in view of Tilt, U.S. Patent No. 5,363,481 further in view of Blades et al., U.S. Patent No. 5,465,358.

As per claim 5, which is dependent on claim 1, Bittinger and Tilt teach the method of claim 1 (see rejection above). Bittinger and Tilt do not teach the method of claim 1, wherein the predetermined settings displayed are the default settings for the application.

Blades teaches a method wherein the settings displayed are the default settings for the application (see Blades, column 6, lines 24 – 27).



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It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Blades with the method of Bittinger and Tilt in order to give the user the option to keep default values for displayed settings.

As per claim 10, it is of similar scope to claim 5 and is rejected under the same rationale as claim 5 (see rejection above).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al., U.S. Patent No. 5,923,326 in view of Tilt, U.S. Patent No. 5,363,481 further in view of McCoy et al., U.S. Patent No. 6,526,575.

As per claim 8, which is dependent on claim 7, Bittinger and Tilt teach the graphical user interface of claim 7 (see rejection above). Bittinger and Tilt do not teach the graphical user interface of claim 8, wherein the timer is visible on the graphical user interface.

McCoy teaches a graphical user interface wherein a timer is visible on the graphical user interface (see McCoy, figure 14, "Starts In" timer).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the graphical user interface of McCoy with the graphical user interface of Bittinger and Tilt in order to alert the user of the time remaining in the timer.

### ***Response to Argument***

Applicant's arguments filed on 11/16/04 have been fully considered but they are not persuasive.

Applicant's arguments focused on the following:

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1) Bittinger fails to teach there is no task to be performed from within the secondary window that is related to the user input of the primary window.

1) Examiner disagrees. During patent examination, the pending claims must be "given \*>their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969)

In this case, the claims recite "displaying predetermined settings for the task on the user interface" and Bittinger teaches this limitation because he teaches using the secondary window to enhance the primary application displayed within the primary application window. (See Bittinger, column 6 lines 7-20)

2) Tilt fails to teach allowing user to input the task to be performed.

2) Examiner disagrees. Tilt allows user to select the task to be performed because Tilt allows user to select the menu that is going to be scrolled. (See Tilt, column 1 lines 40-43, column 2 lines 15-20)

#### **Contact Information**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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